

Mendoza Plaintiffs' Clarification Regarding TUSD's September 15, 2015 Alignment Response to the Special Master's Draft R&R on the Principal Evaluation Plan

September 22, 2015

On September 15, 2015, the District provided the parties and Special Master with "TUSD's Alignment Response to the Special Master's Draft R&R on the Principal Evaluation Instrument" ("September 15 PEP Alignment Response")¹ As with the District's September 15 teacher evaluation plan alignment response, Mendoza Plaintiffs are constrained to correct District inaccuracies here to clarify the record and avoid Court confusion.

In its September 15 PEP Alignment Response, the District asserts that it "circulated a draft of the revised PEI" on February 19, 2015. However, similar to what occurred with teacher evaluations, the District did not provide the principal evaluation *instrument* on February 19. It instead provided a general plan regarding the assessments that would be used to determine principal evaluation outcomes. (*Compare* Principal Evaluation Plan attached to the September 15 PEP Alignment Response as Attachment 1 *with* Appendices B and C to TUSD's April 3 Principal Evaluation Plan attached to TUSD's September 15 PEP Alignment Response as Attachment 4 (evaluation instrument).) Indeed, the February 19 plan included references to the "Principal Evaluation Committee" that "*will* conduct an analysis of 2014 Interstate School Leaders Licensure Consortium (ISLLC) Standards [on which the instrument would be based], the summary of Dr. Vicki Balentine [titled "USP Components Necessary for inclusion in the revised Principal Evaluation Process and Instrument], and the Diversity Responsive Tool to identify culturally responsive practices within the ISLLC standards." Thus, not only was the principal evaluation instrument (PEI) not provided on February 19, but the District's indication that it had not yet reviewed ISLLC standards and Dr. Balentine's memo regarding USP compliance suggests that the instrument also had not been "revised" to comply with the Court's January 30, 2015 Order to develop a USP-compliant plan as the District purports to have done.

Because no evaluation instrument was provided on February 19, the instrument the District describes as "Version 2.0 of the PEI" provided to the parties on April 3 was actually the first version of the evaluation instrument provided to the Plaintiffs and Special Master. Moreover, the District's assertion that the Mendoza Plaintiffs "acknowledged 'a substantial improvement over the February 19 PEI'" is inaccurate as Mendoza Plaintiffs noted an improvement with the overall PEP, not the instrument specifically. (*See* Attachment 5 to TUSD's September 15 PEP Alignment Response.) Indeed, the Mendoza Plaintiffs could not have acknowledged an improvement over the "February 19 PEI" because no such PEI existed. The April 3 **PEP** constituted a

¹ Although that response indicates that the Special Master "submitted draft Reports and Recommendations on the Teacher Evaluation Procedures and Principal Evaluation Procedures" on September 5, its alignment response is directed at the Special Master's filed August 28 R&R (Doc. 1836).

“substantial improvement” over the February 19 **PEP** because the April 3 version included the evaluation instrument and provided more detail than did the very vague February 19 PEP.

As the Special Master indicated in his R&R, Mendoza Plaintiffs agree that there no longer remains any dispute regarding “Assessing Academic Performance of Students for Purposes of Evaluating Principals.” They also are satisfied with the District’s response regarding “Aligning of Instruments for Measuring Principal Effectiveness” and “Training Principal Evaluators.” They do however, reserve their right to object and seek appropriate intervention if the “plans for training teacher evaluators” that the District commits to developing reveal that principals will not in fact not receive adequate evaluator training.

With regard to the assessment of principals’ use of data, Mendoza Plaintiffs reiterate their August 19 statements that they “do not believe that the assessments on the use of data to improve outcomes and target interventions in evaluation instruments constitute ‘adequate weight’ as contemplated in the USP. They further note that the evaluation instruments include no assessments on the use of data to perform self-monitoring. However, rather than require the District to further revise the teacher and principal evaluation instruments now that the fall 2015 semester has commenced, Mendoza Plaintiffs recommend that the District instead include in future professional development efforts specific references to the requirement that teachers and principals use data for the following three USP-mandated purposes: (1) to improve outcomes, (2) to target interventions, and (3) for self-monitoring/self-improvement. If the District undertakes such a commitment, Mendoza Plaintiffs will withdraw their R&R request on this issue.”

Mendoza Plaintiffs continue to seek an R&R regarding the weight of teacher and student surveys in principal evaluations (currently totaling 10%). They further note that they do not understand on what basis the District concludes that a ten percent weight is considered an ‘adequate’ weight for student surveys in teacher evaluations, and that, therefore, a total allocation of 10% to surveys of both students and teachers, combined, is adequate for principal evaluations. Mendoza Plaintiffs have not agreed that a ten percent weight for student surveys in teacher evaluations is “adequate” under the USP. Indeed, they detail their continuing disagreement on this issue in their response to the District’s September 15 TEP Alignment Response and refer the parties to that document for further explanation.